

## COMMISSION MEETING MINUTES

APRIL 17, 2014

A MEETING OF THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, TENNESSEE was held in the Commission Chambers of the Municipal and Safety Building, 601 East Main Street, Johnson City, Tennessee on Thursday, April 17, 2014.

PRESENT: Mayor Ralph Van Brocklin, Vice-Mayor Clayton Stout, Commissioners Jeff Banyas, Jenny Brock and David Tomita, Pete Peterson, City Manager, and Janet Jennings, City Recorder.

Mayor Ralph Van Brocklin called the meeting to order at 6:01 p.m.

At this time, Ed Jefferies, Pastor Emeritus, Trinity Assembly of God, gave the invocation, which was followed by the pledge of allegiance.

Upon motion by Commissioner David Tomita, seconded by Vice-Mayor Clayton Stout, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the minutes of the regularly scheduled City Commission Meeting held on Thursday, April 3, 2014, be and the same are hereby approved.

At this time, Mayor Ralph Van Brocklin opened the public input session. No one spoke.

Upon motion by Vice-Mayor Clayton Stout, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a beer license for Gracewell Mart, LLC, 3730 Bristol Highway, Johnson City, Tennessee, be and the same is hereby approved. Parag Braumbhatt was present.

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a beer license for KIG-JC State of Franklin, LLC, d/b/a East Coast Wings and Grill, 198 Marketplace Boulevard, Johnson City, Tennessee, be and the same is hereby approved. Bob Feathers was present.

Upon motion by Commissioner David Tomita, seconded by Vice-Mayor Clayton Stout, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That a beer license for 737 Marketing, LLC, d/b/a Quick Stop Market, 502 North Broadway Street, Johnson City, Tennessee, be and the same is hereby approved. Atul Shukla was present.

At this time, the reappointments of Richard Manahan, Craig Higgins, Carol Ferguson, Ted Morris and Cornelius Marshal and the appointments of Corey Webb and Christine Loveday, to the Health and Educational Facilities Board, were made by roll call.

Upon motion by Mayor Ralph Van Brocklin, seconded by Commissioner David Tomita, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the following terms of office for the individuals appointed to the Health and Educational Facilities Board: 6 years - Richard Manahan and Corey Webb; 4 years - Craig Higgins and Carol Ferguson; 2 years - Ted Morris, Cornelius Marshal and Christine Loveday, be and the same are hereby approved.

Upon motion by Commissioner Jenny Brock, seconded by Vice-Mayor Clayton Stout, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That **deferral** of the consideration of the following Consent Agenda: Annual advertising agreement with Johnson City Press and payment to Summers-Taylor for work on the Lone Oak Road Sidewalk Project (\$39,395.40), be and the same is hereby approved.

Upon motion by Commissioner Jeff Banyas, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the pulling of Tweetsie Trail Bridge improvements for separate consideration, be and the same is hereby approved.

Upon motion by Commissioner David Tomita, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the remainder of the Consent Agenda for April 17, 2014, be and the same is hereby approved.

**CONSENT AGENDA:**

**A. GENERAL:**

**i. Water & Sewer Services**

Authorization for Mayor to execute Sprint Cellular Improvements & Lease Agreement Amendment #1

ii. **Public Works Department**

Consider selection of Public Art for State of Franklin Road/Downtown Corridor

iii. **Public Works Department**

Consider Contract in Lieu of Performance Bond: Permit SNL 90-0120 for Bowser Ridge

iv. **Administration**

Consider Johnson City Press Advertising Agreement in the amount of \$36,400.00

v. **Human Resources**

Consider Group Policy Two-Year Renewal for Life Insurance

**B. INVOICES:**

- i. Shaw & Shanks Architects . . . . . \$5,522.60  
Johnson City Schools  
Science Hill High School Sidewalk Canopies  
Funding Source: Washington County Funds
- ii. Morristown Roofing Company . . . . . \$139,840.00  
Johnson City Schools  
Science Hill High School Partial Re-Roofing Project  
Funding Source: Washington County Bond Funds
- iii. Beeson, Lusk & Street . . . . . \$5,420.00  
Johnson City Schools  
Kermit Tipton Stadium New Field House  
Funding Source: Capital Project Fund – Reserve Funds

- iv. SimplexGrinnell ..... \$12,099.92  
Johnson City Schools  
Indian Trail Middle School Fire Alarm System  
Funding Source: PEP Bond Issue Proceeds
- v. CDM Smith ..... \$1,083.00  
Water & Sewer Services ~ Task Order #7  
Brush Creek WWTP Aeration System Energy Upgrade Phase 1  
Funding Source: Water/Sewer Fund
- vi. Gresham Smith & Partners ..... \$26,434.03  
Public Works Department  
Construction Engineering & Inspection on ITS Project  
Funding Source: 80% Federal ~ 10% State ~ 10% Local Bonds
- vii. Stansell Electric Company ..... \$61,480.33  
Public Works Department  
ITS Project  
Funding Source: 80% Federal ~ 10% State ~ 10% Local Bonds
- viii. Lamar Dunn & Associates ..... \$3,031.50  
Public Works Department  
Stormwater Culvert design from Ashe Street to Founders Park  
Funding Source: Stormwater Fund
- ix. Littlejohn Engineering ..... \$1,434.14  
Public Works Department ~ Safe Routes to School  
Lone Oak Road Sidewalk Project CEI Services  
Funding Source: Safe Route to School Grant & STP Funds
- x. Summers-Taylor ..... \$39,395.40  
Public Works Department ~ Safe Routes to School  
Lone Oak Road Sidewalk Project  
Funding Source: Safe Route to School Grant & STP Funds

**C. BIDS:**

- i. Inland Construction Company ..... \$185,946.00  
Public Works Department ~ ITB #5807  
Tweetsie Trail Bridge Improvements  
Funding Source: Capital Project Funds

**D. PURCHASES:**

- i. OdysseyWare ..... \$43,745.00  
Johnson City Schools ~ License Renewal for on-line credit  
recover & courseware programs  
Funding Source: General Purpose School Funds

Upon motion by Commissioner David Tomita, seconded by Commissioner Jenny Brock, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the Tweetsie Trail Bridge Improvements, including partial caging and the decking, be and the same are hereby approved.

TABULATION OF BIDS  
CITY OF JOHNSON CITY, TENNESSEE  
APRIL 8, 2014 - PUBLIC WORKS  
BID # 5807 BRIDGE IMPROVEMENTS - TWEETSIE TRAIL

BIDDER		BID AMOUNT		
VENDOR: <u>Inland Construction</u>				
License Number:	<u>48995</u>	<u>Bridge #2</u>	<u>15,946.00</u>	<u>TOTAL: 185,946.00</u>
Bid Bond:	<u>X</u>	<u>Bridge #3</u>	<u>118,000.00</u>	
Addendums Acknowledged:	<u>X</u>	<u>Bridge #3 Optional</u>	<u>52,000.00</u>	
VENDOR: <u>Howard Engineering</u>				
License Number:	<u>43723</u>	<u>Bridge #2</u>	<u>20,000.00</u>	<u>TOTAL: 245,000.00</u>
Bid Bond:	<u>X</u>	<u>Bridge #3</u>	<u>125,000.00</u>	
Addendums Acknowledged:	<u>X</u>	<u>Bridge #3 Optional</u>	<u>100,000.00</u>	
VENDOR: <u>Summers Taylor</u>				
License Number:	<u>69</u>	<u>Bridge #2</u>	<u>34,435.00</u>	<u>TOTAL: 250,901.00</u>
Bid Bond:	<u>X</u>	<u>Bridge #3</u>	<u>172,260.00</u>	
Addendums Acknowledged:	<u>X</u>	<u>Bridge #3 Optional</u>	<u>44,206.00</u>	

At this time, a public hearing was held regarding Ordinance No. 4536-14. No one spoke for or against this item.

Upon motion by Vice-Mayor Clayton Stout, seconded by Commissioner David Tomita, **Ordinance No. 4536-14**, "AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF JOHNSON CITY, TENNESSEE TO REFLECT THE PLACEMENT OF THE GATEWAY OVERLAY (GO) DISTRICT ALONG A PORTION OF THE WEST MARKET STREET CORRIDOR," was **passed on second reading**. The motion **carried** by five ayes. There were no nay votes.

At this time, a public hearing was held regarding Ordinance No. 4537-14. No one spoke for or against this item.

Upon motion by Commissioner Jenny Brock, seconded by Commissioner David Tomita, **Ordinance No. 4537-14**, "AN ORDINANCE TO ANNEX CERTAIN PROPERTY KNOWN AS THE HIGHLAND PARC PHASE 4 ANNEXATION AND TO ZONE SAID PROPERTY R-2A (LOW DENSITY RESIDENTIAL)," was **passed on second reading**. The motion **carried** by five ayes. There were no nay votes.

Upon motion by Commissioner David Tomita, seconded by Vice-Mayor Clayton Stout, the following resolution was offered for adoption. The motion **carried** by five ayes. There were no nay votes.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY, That the Plan of Services for the Highland Parc Phase 4 Annexation, be and the same is hereby approved.

Upon motion by Commissioner David Tomita, seconded by Commissioner Jenny Brock, **Ordinance No. 4538-14**, "BLUE PLUM FESTIVAL," was **passed on second reading**. The motion **carried** by five ayes. There were no nay votes.

Upon motion by Commissioner David Tomita, seconded by Commissioner Jenny Brock, **Ordinance No. 4539-14**, "UMOJA FESTIVAL," was **passed on second reading**. The motion **carried** by five ayes. There were no nay votes.

Upon motion by Vice-Mayor Clayton Stout, seconded by Commissioner Jenny Brock, **Ordinance No. 4535-14**, "AN ORDINANCE TO RESONE FROM B-1 (NEIGHBORHOOD BUSINESS), R-2C (LOW DENSITY RESIDENTIAL) AND R-5 (HIGH DENSITY RESIDENTIAL) TO B-4 (PLANNED ARTERIAL BUSINESS) FOR CERTAIN PROPERTIES LOCATED AT 502, 600 AND 606 NORTH BROADWAY STREET," was **passed on third reading**. The motion **carried** by five ayes. There were no nay votes.

#### **ORDINANCE NO. 4535-14**

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF JOHNSON CITY, TENNESSEE BEING PART OF THE APPENDIX TO ORDINANCE NO. 1519 ENTITLED "AN ORDINANCE TO ADOPT A CODE OF LAWS AND ORDINANCES FOR THE CITY OF JOHNSON CITY, TENNESSEE, AND TO REPEAL ALL LAWS AND ORDINANCES IN CONFLICT THEREWITH", AND AMENDATORY THEREOF, BY CHANGING FROM A B-1 (NEIGHBORHOOD BUSINESS) DISTRICT, R-2C (LOW DENSITY RESIDENTIAL) DISTRICT AND A R-5 (HIGH DENSITY RESIDENTIAL ) DISTRICT TO A B-4 (PLANNED ARTERIAL BUSINESS) DISTRICT CERTAIN PROPERTIES LOCATED AT 502, 600 AND 606 N. BROADWAY STREET.

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**BE IT ORDAINED BY THE CITY OF JOHNSON CITY AS FOLLOWS:**

**SECTION 1.** That the Zoning Map of the city of Johnson City, Tennessee, being a part of the appendix to Ordinance No. 1519 entitled, "An Ordinance to Adopt a Code of Laws and Ordinances for the City of Johnson City, Tennessee, and to Repeal All Laws and Ordinances in Conflict Therewith," and all ordinances supplementary thereto and amendatory thereof, be and the same is hereby amended and modified by changing the zoning on the following described property from a B-1 (Neighborhood Business) District, R-2C ( Low Density Residential) District and a R-5 (High Density Residential) District to a B-4 (Planned Arterial Business) District.

See description marked "Exhibit 'A'" hereto.

See map of the above-described property marked "Exhibit 'B'" hereto.

**SECTION 2. BE IT FURTHER ORDAINED,** That all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 3. BE IT FURTHER ORDAINED,** That this ordinance shall take effect from and after its passage on third and final reading and publication as required by law, the public welfare requiring it.

PASSED ON FIRST READING	<u>03/20/2014</u>
PASSED ON SECOND READING	<u>04/03/2014</u>
PASSED ON THIRD READING	<u>04/17/2014</u>
APPROVED AND SIGNED IN OPEN MEETING	
ON THE <u>17<sup>th</sup></u> DAY OF <u>April</u> , 2014	

/s/ Ralph Van Brocklin  
MAYOR

**ATTEST:**

/s/ Janet Jennings  
City Recorder

**APPROVED AS TO FORM:**

/s/ James H. Epps, IV  
City Attorney



**"Exhibit 'A'"**

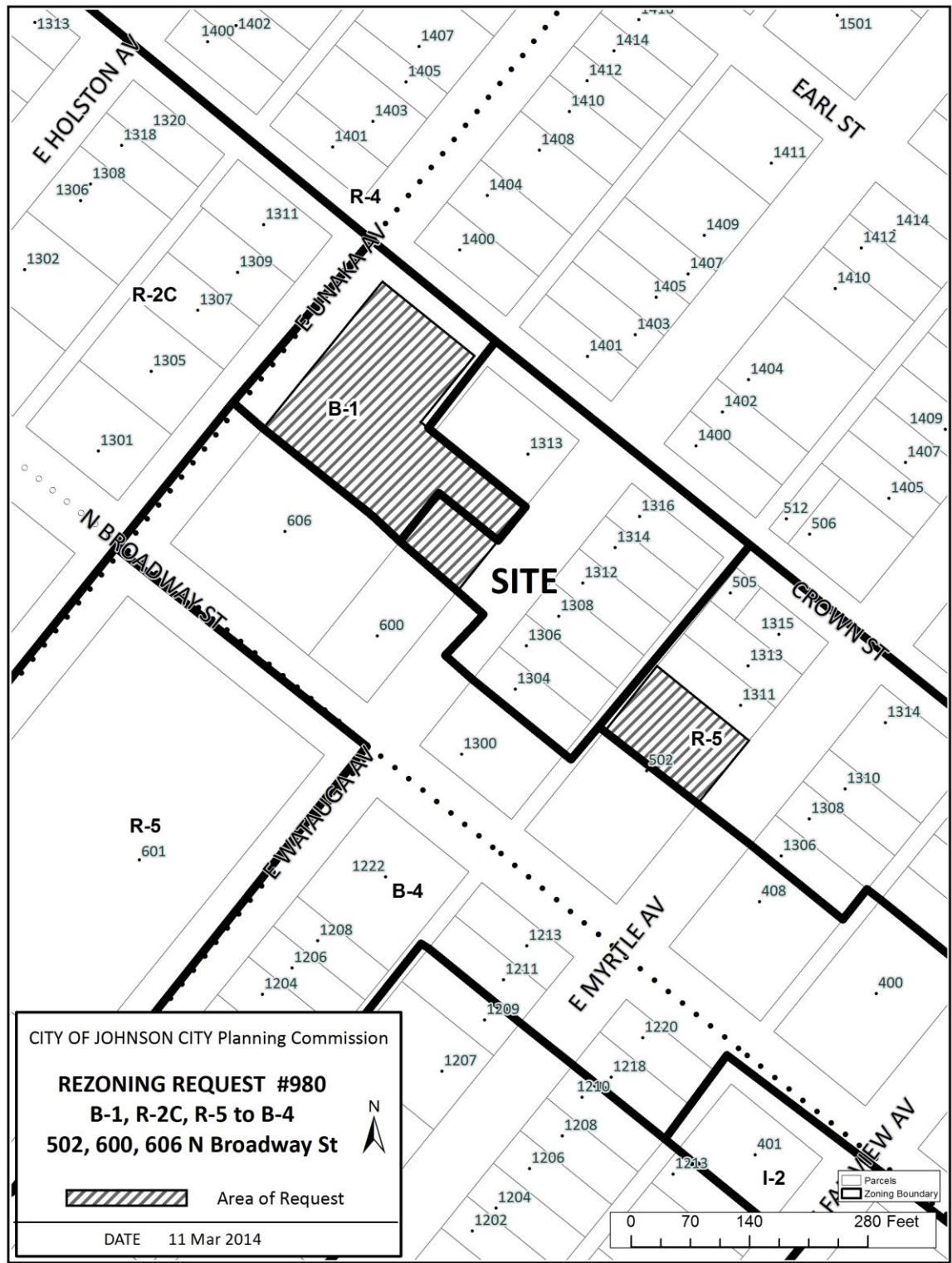
Legal Description for current B-1 portion of 606 N. Broadway Street and the current R-2C portion of 600 N. Broadway Street.

**BEGINNING** at a point, said point being the northeasterly corner of 606 N. Broadway Street and southerly edge of right-of-way for Crown Street; thence continuing in a southwesterly direction along the side property line of property located at 606 N. Broadway Street and also known as Tax Map 46D Group K Parcel 11 for a distance of 99 feet to a point, said point being a point along the side of 606 N. Broadway Street; thence continuing in a southeasterly direction along the side property line of 1313 E. Watauga Avenue for a distance of 160 feet to a point, said point being the northerly edge of right-of-way for E. Watauga Avenue and the southwesterly corner of property located at 1313 E. Watauga Avenue and also known as Tax Map 46D Group K Parcel 7; thence continuing in a southwesterly direction for a distance of 128 feet to a point, said point being located along the side property line for 600 N. Broadway Street, owned by NNN Sun LLC.; thence continuing in a northwesterly direction for a distance of 300 feet to a point, said point being a point along the side property line of 606 N. Broadway and the southerly edge of right-of-way for E. Unaka Avenue; thence continuing in a northeasterly direction for a distance of 224 feet to a point, said point being the point of **BEGINNING**.

Legal Description for current R-5 portion of 502 N. Broadway Street.

**BEGINNING** at a point, said point being the northeasterly corner of property located at 502 N. Broadway Street and edge of right-of-way for Myrtle Avenue; thence continuing in a southwesterly direction for a distance of 97 feet to a point, said point being a point on the side property line for 502 N. Broadway Street and also known as Tax Map 46D Group N Parcel 7; thence continuing in a northwesterly direction for a distance of 141 feet to a point, said point being a point along the north side property line of Tax Map 46D Group N Parcel 7 and edge of right-of-way for the E Watauga-Myrtle Alleyway; thence continuing in a northeasterly direction for a distance of 99 feet to a point, said point being the southwesterly corner of 1311 Myrtle Avenue and the northwesterly corner of 502 N. Broadway Street; thence continuing in a southeasterly direction for a distance of 140 feet to a point, said point being the point of **BEGINNING**.

"Exhibit 'B'"



At this time, City Manager Pete Peterson presented the City Manager's Report.

There being no further business or discussion, Mayor Ralph Van Brocklin adjourned the meeting at 7:25 p.m.

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RALPH VAN BROCKLIN  
MAYOR

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JANET JENNINGS  
CITY RECORDER

**ITEMS DEFERRED:**

1. Consideration of Consent Agenda: Annual advertising agreement with Johnson City Press.
2. Consideration of Consent Agenda: Payment to Summers-Taylor for work on the Lone Oak Road Sidewalk Project (\$39,395.40).

**ACTION ITEMS:**

1. None.